

MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

May 20, 2021

The West Virginia Contractor Licensing Board met on May 20, 2021, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 200 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Chair
Manny Alvarez
Ted Brady
Mary Cleland
Michael Davis – via telephone
Amy Fairman – via telephone
Frank R. Ferguson
Charles K. Smith

BOARD MEMBERS ABSENT

James M. Noel
Steven Solomon

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke Farber, Deputy Commissioner/Legal Counsel
Kathy Rucker, Labor Program Manager
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:03 a.m.

APPROVAL OF AGENDA

Mr. Meck made a motion to amend the agenda, striking Item #5 – Discussion and Approval of using the Manufactured Home Installation classification to set on-frame modular homes, and to approve the amended agenda. Mr. Brady seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the April 22, 2021 board meeting. Mr. Alvarez seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

REVIEW AND APPROVAL OF UPDATES TO LEGISLATIVE AND PROCEDURAL RULES

Due to the Legislature moving the Contractor Licensing Act from Chapter 21 to Chapter 30, the Legislative and Procedural Rules needed to be revised. The Board discussed the changes to the rule and made suggestions for updates:

Series 1 – Procedural Rule – Board Organization and Meeting Procedures; Hearing Procedures

Ms. Farber presented the updated Procedural Rule, Series 1, to the Board for review. The Board discussed several issues, including the number of board members it takes to constitute a quorum when there are vacancies on the Board and how it will affect voting on disciplinary action; removing disruptive people from the meeting; and re-imbursement of board members being removed from the Rule. Ms. Farber informed the Board that anything that was already defined in statute was removed from the rule. After reviewing §30-42-4(c), Ms. Farber advised the Board that the statute states that a majority of the members appointed shall constitute a quorum of the board so rule can be updated to reflect a majority of the board instead of a majority of 10 members of the board. A question was raised regarding the location of the circuit court if a person adversely affected by a decision of the Board files, who is located out-of-state, files an appeal. Ms. Farber informed the Board that the case would be handled by a circuit court in West Virginia since the Board is a state agency.

Mr. Ferguson made a motion to update §28-1-8.1 to strike “10” and state “A majority of the *appointed* voting board members. Mr. Smith seconded. Motion carried.

Mr. Ferguson made a motion to approve the Procedural Rule with the change. Mr. Alvarez seconded. Motion carried.

Series 2 – Legislative Rule – West Virginia Contractor Licensing Act

Mr. Woodrum advised the Board that definitions in the statute were removed from the rule but definitions of classifications that require examination remain. Ms. Farber explained the definition updates for the Board. Mr. Meck instructed the Board go through the legislative rule a page at a time and make any suggestions for changes. The Board discussed the following updates to the rule: 3.19 – strike “or authorize”; 3.20 – clarify definition of “incidental work” to read - “Incidental Work” means work that is directly related to and necessary for the completion of the main construction project that is within the scope of the license classification; and change heading of §28-2-8 to “Cease and Desist Orders Administrative Hearings; appeals.”

Mr. Smith made a motion to approve the updates to the Legislative Rule. Mr. Alvarez seconded. Motion carried.

Series 4 – Procedural Rule – Written Contracts for Services

The Board discussed the issue of requiring contractors to carry liability insurance. Ms. Farber informed the Board that it exceeds the Board’s authority to require liability insurance, but it can be added to the written contract template for informational purposes.

Mr. Ferguson made a motion to provide a place in the written contract template and procedural rule that requires the contractor disclose to the consumer whether or not they have liability insurance and to provide that information if they do, and to approve the updates to the Procedural Rule for Written Contracts for Services. Mr. Smith seconded. Motion carried.

OATH OF OFFICE

Ms. Farber provided the board members with a new Oath of Office form to sign. A copy will be emailed to the board members participating by telephone or not attending.

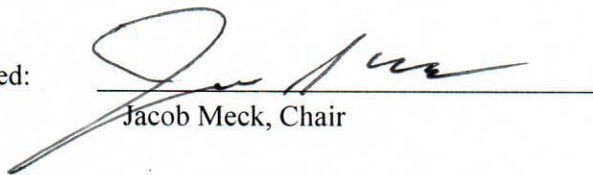
NEXT MEETING DATE

The Board confirmed the previously scheduled meeting for Wednesday, June 30, 2021 at 9:00am.

ADJOURNMENT

Mr. Smith made a motion to adjourn at 11:34 a.m. Mr. Ferguson seconded. Motion carried.

Approved:



Jacob Meck, Chair